IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.196 OF 2005

Chandrashekhar B. Mor ... Petitioner

v/s

Tata Finance Ltd. ... Respondents

Mr S.R. Kumbhat i/b Mr K.K. Tated for Petitioner.

Mr Pooniwala i/b Mr Y.R. Shah for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 16TH AUGUST 2005.

P.C. :-

1. By this petition, the petitioner challenges an award made by the sole Arbitrator. Admittedly, the petitioner was served with the notice of arbitration proceedings by the Arbitrator. Admittedly, the petitioner has not appeared. The petitioner was just sending letters to the Arbitrator raising objections to his jurisdiction. Even if the letters sent by the petitioner are to be taken as pleadings, then also only on the basis of pleadings, unless they are admitted by the other side, the Arbitrator cannot decide the issue. The scheme of the Arbitration and Conciliation Act 1996 is that even if somebody wants to raise objection to the jurisdiction of the Arbitrator, he has to appear before the Arbitrator and raise that objection. As I find that no justification is given by the petitioner for not appearing before the Arbitrator, as also considering the limited jurisdiction of this Court under section 34 of the said Act, the petition cannot be entertained. It is rejected.

. Parties to act on the copy of this order duly authenticated by the Associate / Personal Secretary of this Court as true copy.

. Certified copy expedited.